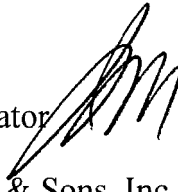


# COUNTY OF YORK

## MEMORANDUM

**DATE:** August 1, 2005 (BOS Mtg. 8/16/05)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator 

**SUBJECT:** Application No. UP-671-05, George Nice & Sons, Inc.

### ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-283(e) of the York County Zoning Ordinance, to authorize a home contractor office with up to five (5) non-resident employees on a 92.8-acre parcel located at 143 Skimino Road (Route 797) and further identified as Assessor's Parcel No. 3-1-B.

### DESCRIPTION

- Property Owner: George J. Nice
- Location: 143 Skimino Road (Route 797)
- Area: 92.8 acres
- Frontage: Approximately 214 feet on Skimino Road
- Utilities: Public water and sewer not available
- Topography: Steep slopes are present on about one-third of the property
- 2015 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Horse farm with a single-family detached home, a barn, and a horse stable
- Surrounding Development:

North: Skimino Creek; vacant 411-acre parcel in James City County beyond

East: Single-family detached homes (Skimino Landing Estates)

South: Single-family detached homes (across Skimino Road)

West: Colonial Campground and single-family detached homes fronting on Barlow Road

- Proposed Development: Use of an existing structure for a home office with up to five (5) non-resident employees

## **BACKGROUND**

In 1999 the Board approved a Special Use Permit to authorize a contracting business with outdoor storage (George Nice & Sons, Inc.) as a home occupation on the subject property. Because the adjacent property to the east was being developed as the Skimino Landing Estates subdivision and the contracting business would be incompatible with that residential use, the Board established a maximum five-year term on the use permit to give the applicant sufficient time to relocate the business to a properly zoned commercial or industrial site. Ultimately the applicant found a site in the Hankins Industrial Park in the Toano section of James City County. Construction took longer than expected, causing the applicant in 2003 to request an extension of the use permit, which the Board approved, extending the use permit expiration date to January 20, 2005. The applicant has since moved the contractor vehicles and equipment to the Toano site, but James City County approval of the office building is still pending; the applicant does not expect construction to be complete before the end of next year. Therefore, the applicant is applying for a new use permit to temporarily continue the existing home office use, which would typically be permitted as a matter of right but in this case requires a Special Use Permit because it involves non-resident employees.

## **CONSIDERATIONS/CONCLUSIONS**

1. The property is located in a residential area, with single-family detached homes to the east, south (across Skimino Road), and west, where homes front along Barlow Road; also to the west is the 148-acre Colonial Campground, which fronts on Newman Road. The property abuts nine parcels in the Skimino Landing Estates subdivision to the east, including seven residential lots, one of which was purchased by the applicant in 1998 to provide a buffer between the previous home contracting business and residential development, and two parcels designated as common area for the subdivision. To the north, across Skimino Creek, is an undeveloped 411-acre parcel in James City County, over 100 acres of which is used agriculturally. The density of development is low in this area, consistent with the lack of public water and sewer, which dictates a minimum lot size of two (2) acres. Accordingly, the property is designated Low Density Residential in the *Comprehensive Plan* and zoned RR (Rural Residential).
2. The property is utilized as a horse farm and has been for many years. Other development on this 92.8-acre parcel includes a single-family detached home (occupied by the applicant), a barn, and a horse stable. A second single-family detached home sits on an adjoining 5.1-acre parcel also owned by the applicant. The office is located on the second story of the barn, which has a building footprint of approximately 3,600 square feet. Staff estimates that the office occupies approximately 1,500 square feet of floor area, which represents approximately 46% of the floor area of the 3,246-square foot home. Section 24.1-281(b) of the Zoning Ordinance limits the area of home occupations to 400 square feet or 25% of the floor

area of the residence, whichever is less, unless the Board authorizes a greater area in conjunction with a Special Use Permit, as it did in 1999, when the Board authorized up to 9,000 square feet of floor area in structures associated with the contracting business. I believe the proposed contractor office, like the previous contracting business, is an unusual case where an increase in floor area above the prescribed limits is warranted because of both the size of the property and the fact that the office is located within an existing structure that is associated with the horse farm operation and will have no impacts on surrounding properties. A condition authorizing an increase in the maximum floor area has been included in the proposed Resolution of approval.

3. The property is served by a single driveway measuring approximately 1,250 feet in length with what appears to be a commercial entrance on Skimino Road. The driveway leads to the barn and to a separate residential driveway that serves both the applicant's home and a second home located on an adjacent property owned by the applicant and occupied by the caretaker of the horse farm. A large gravel parking area surrounding the barn is capable of accommodating more than the five parking spaces that would be required for the home office. An attached garage and parking area for the on-site home are separate from the office parking.
4. With five (5) non-resident employees, the proposed home occupation can be expected to generate up to approximately twenty (20) vehicle trips per day, including five (5) each in the AM and PM peak hours. By contrast, the previous use of the property for a contracting business – with 25 non-resident employees – generated an estimated fifty (50) vehicle trips per day, including heavy construction vehicles and equipment. If this parcel were subdivided for residential development staff estimates that approximately 300 vehicle trips per day would be generated.
5. No vehicles, equipment, or materials associated with the contracting business will be permitted to be kept on the property if this application is approved. Farm equipment, horse trailers, etc. will still be permitted in conjunction with the existing horse farm operation whether or not the use permit is approved.

#### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its July 13 meeting and, subsequent to conducting a public hearing at which the applicant and two residents of Shady Bluff Point spoke in support of the application, voted 5:0 (Ms. Conner and Mr. Davis absent) to recommend approval. One of those who spoke was the president of the Skimino Landing Estates Homeowners' Association, who stated that the association supports approval of the application.

#### **COUNTY ADMINISTRATOR RECOMMENDATION**

The Zoning Ordinance requires a Special Use Permit for home occupations with non-resident employees because of the potential impacts on the surrounding neighborhood in terms of traffic, on-street parking, sewerage, and water use – none of which is a concern

with respect to this application. Unlike most home occupations that come before the Board, which typically involve conventionally sized residential lots within subdivisions, the proposed home occupation is located on a large parcel in an area of relatively sparse residential development. With approximately 93 acres, the property is large enough to accommodate the contractor office with little or no impact on the surrounding area. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution No. R05-134. A condition in the proposed resolution specifies that the use permit will expire two years from the date of approval. Although the applicant's estimated time frame for constructing its new office building in James City County is approximately 18 months, he has requested a two-year extension to provide additional flexibility in the event of unforeseen permitting or construction issues. The proposed resolution also includes a condition specifically authorizing the increase in floor area above the prescribed limits.

Carter/3337

Attachments

- Excerpts of Planning Commission minutes, July 13, 2005
- Zoning Map
- Survey Plat
- Site Map
- Letter from Gary Fout, President, Colonial KOA dated May 28, 2005
- Proposed Resolution No. R05-134